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Attorney for ALLY BANK D/B/A ALLY CAPITAL CORP

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§ CASE NO. 19-42383-BTR-13
	§
DAVID DARNELL BRITT and	§
PANDORA HENDERSON BRITT,	§
Debtor	§ CHAPTER 13

**OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ALLY BANK D/B/A ALLY CAPITAL CORP (hereinafter "Creditor"), a secured creditor in this bankruptcy case, and files its Objection to Confirmation of the Debtors' Chapter 13 Plan. In support thereof, Creditor would allege as follows:

I.

Creditor is the secured servicer in this bankruptcy case. On or about May 23, 2006, PANDORA H. BRITT executed a Note payable to Quicken Loans Inc., in the original principal amount of THIRTY-TWO THOUSAND ONE HUNDRED DOLLARS AND ZERO CENTS, (\$32,100.00). The Note and Lien were assigned to Creditor. The Note is secured by a first lien Mortgage on property described to wit:

LAND SITUATED IN THE CITY OF DETROIT IN THE COUNTY OF WAYNE IN  
THE STATE OF MI

LOT 192, EXCEPT THAT PART THEN FOR WIDENING OF OUTER DRIVE, GROSSE MANOR SUBDIVISION, AS RECORDED IN LIBER 29, PAGE 69 OF PLATS.

II.

Creditor has not yet filed a Proof of Claim. Creditor estimates that the claim, when filed, will be with the principal balance in the amount of \$29,170.00 and arrears estimated in the amount of \$22,440.53. The Proof of Claim Bar date is set for November 12, 2019. Creditor is in the process of preparing its Proof of Claim. Creditor asserts this Objection to preserve its rights and to assist in the efficient administration of the confirmation process.

III.

Debtors' Chapter 13 Plan proposes to pay \$0.00 over 60 months at 0.000% interest for the pre-petition arrears owing to Creditor. Creditor objects to the proposed treatment because the Plan:

- Fails to satisfy Creditor's Proof of Claim pursuant to the terms of the Note and Deed of Trust.
- Attempts to modify the rights of Creditor in violation of 11 U.S.C. §1322 (b)(2).
- Does not provide for full payment of the Creditor's allowed secured claim.
- Fails to timely cure the default reflected in the Proof of Claim as required in 11 U.S.C. §1322 (b)(5).

IV.

Debtor's Chapter 13 Plan has failed to provide for the ongoing payments to Creditor. Creditor objects to the proposed treatment because the Plan fails to provide for the treatment through the plan or language providing that the Note and Deed will be treated direct and outside the plan.

V.

The plan is not feasible. Based on the Debtors' Chapter 13 Plan Summary, Schedules, and other Pleadings on file with this Court, the Debtors will not be able to make all payments under the Plan and to comply with the Plan. Therefore, confirmation should be denied as not meeting the requirements of 11 U.S.C. §1325(a).

WHEREFORE, Creditor prays that this Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ Rachael Swernofsky 10/31/2019  
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ATTORNEY FOR CREDITOR

**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2019, a true and correct copy of the Objection to Confirmation of Debtor(s) Chapter 13 Plan was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties listed on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP.

BY: /s/ Rachael Swernofsky 10/31/2019  
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**BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL:**

**DEBTORS:**

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**DEBTOR'S ATTORNEY:**

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**TRUSTEE:**

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